

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NETHERBY LIMITED,

Plaintiff,

-against-

JONES APPAREL GROUP, INC. and JONES
INVESTMENT CO., INC.,

Defendants.

04 CV 07028 (GEL)

NOTICE TO ADMIT

PLEASE TAKE NOTICE that, pursuant to Rule 36 of the Federal Rules of Civil Procedure ("FRCP"), plaintiff Netherby Limited ("Netherby"), by its attorneys Chadbourne & Parke LLP, hereby demands that defendants Jones Apparel Group, Inc. ("Jones Apparel") and Jones Investment Co., Inc. ("Jones Investments") (together "Jones"), within thirty (30) days of the service of this notice, admit the truth of the matters of fact set forth below.

PLEASE TAKE FURTHER NOTICE that the failure to respond to this notice or any part thereof within the time period set forth above shall be deemed an admission of the matters not responded to, and that Netherby intends to use some or all of such admissions at trial.

PLEASE TAKE FURTHER NOTICE that the unreasonable denial of any matters noticed for admission herein which are thereafter proved at trial shall result in an application to the Court for an order requiring the defendants which made such unreasonable denial to pay the

reasonable expenses incurred by Netherby in making such proof, including reasonable attorneys' fees.

ITEMS TO BE ADMITTED

1. Annexed hereto as Tab 1 is a true and accurate copy of a page from May 2005 from the website www.gloria-vanderbilt.com.
2. The website www.gloria-vanderbilt.com was maintained by Jones in May 2005.
3. The website www.gloria-vanderbilt.com is currently maintained by Jones.
4. Annexed hereto at Tab 2 is a true and correct copy of a press release, dated March 19, 2002, issued by Jones.
5. The press release annexed hereto at Tab 2 is currently located at Jones Apparel's website at www.jny.com/news_sub.jsp?event=news_sub&doc=562120.
6. Annexed hereto at Tab 3 is a true and correct copy of a press release, dated April 9, 2002, issued by Jones.
7. The press release annexed hereto at Tab 3 is currently located at Jones Apparel's website at www.jny.com/news_sub.jsp?event=news_sub&doc=562122.
8. The December 4, 2000 article in Brandweek annexed at Tab 4, accurately quotes Jack Gross, the then President of Gloria Vanderbilt Apparel Corp., in saying "We've kept a low profile . . . We wanted to solidify the foundation of the company and make sure the engine was running and we had credibility before we made more noise with the brand. We wanted to make noise with substance."
9. In the December 4, 2000 article in Brandweek annexed at Tab 4, Jack Gross, the then President of Gloria Vanderbilt Apparel Corp., was correctly paraphrased as saying that the

Gloria Vanderbilt brand, "which is distributed through national chains such as J.C. Penney, Mervyn's, Khol's and other stores, has seen a 38% compounded annual growth rate since 1997. That success helped foster the new GLO line."

10. Annexed hereto at Tab 5 is a true and correct copy of the trademark registration for "GLO by Gloria Vanderbilt," registered in the United States Patent and Trademark Office on or about December 29, 1998.

11. Annexed hereto at Tab 6 is a true and correct copy of the trademark registration for "GLO" registered in the United States Patent and Trademark Office on or about January 15, 2002.

12. Annexed hereto at Tab 7 is a true and correct copy of the trademark for "GLO Jeans."

13. Annexed hereto at Tab 8 is a true and correct copy of the trademark registration for "GLO Girl" registered in the United States Patent and Trademark Office on or about February 3, 2004.

Dated: July 25, 2005

CHADBOURNE & PARKE LLP

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